

REMARKS

Claims 23 to 41 are pending in this application. None of the claims have been allowed.

Applicants direct the Examiner's attention to their amendments to the claims. In particular, applicants have added a new claim (41) which is a duplicate of claim 22, with the exception that the definitions of R7 are drawn from claim 29 and claim 30. Applicants respectfully submit that new claim 41 adds no new matter. Support is found in Claims 29 and 30, among other places. Note that claims 29 and 30 were dependent from claim 22. All of the claims previously dependent from Claim 22 have now been amended to depend from new claim 41.

At the middle of page 2 of the Action, the Examiner rejects Claims 22-40 as obvious under 35 USC 103(a) as being unpatentable over US6,458,830, as follows:

"Owen, et al teaches the generic compound which not only cross embraces the instant generic compound but also have exemplified where R7 can be a substituted piperazine (see ex. 134) providing the necessary motivation and guidance to make the instant piperazinone.

There is nothing unobvious in choosing a species from a prior art genus, motivation being that said species would be expected to possess the same or similar properties as their exemplified counterparts, in this case NK-1 receptor antagonists, absent some unobvious or unexpected results."


Applicants respectfully submit that their amendments render this issue moot. Applicants acknowledge that in the reference patent, '830, the definition of R7 includes the possibility that R7 may be a 5 or 6 membered nitrogen containing heteroaromatic ring. See for example, the paragraph bridging columns 1 and 2 of '830. In contrast, in the invention as now claimed, R7 may not be a heteroaromatic ring.

Further, with regard to Example 134 of the reference, applicants observe that R7 in this Example is not an optionally substituted carbonyl or sulfonyl containing piperizinyl ring. Furthermore, there is nothing in the art to suggest the compounds of the

invention as claims nor motivate one to try the compounds of the instant claims accompanied by a reasonable expectation of success.

Having addressed the outstanding requirement, Applicants respectfully request early examination and allowance of the claims. The Examiner is invited to contact the undersigned attorney at the telephone number provided below, if such would advance the prosecution of this application.

Respectfully submitted,

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09 March 2007